

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Final Office Action dated January 29, 2008 and follows a February 26, 2008 telephone interview summarized below. This amendment is being submitted with a Request for Continued Examination.

I. Introduction

Claims 1-55 are now pending in the application. Claims 1-12, 28, 35 and 40-55 stand allowed. Claims 13-27, 29-34 and 36-39 are rejected.

Claims 13, 29 and 37 have been amended in the manner discussed during the February 26, 2008 interview to address and overcome the rejections under 35 USC §101. As will be discussed below in view of the amendments to these claims it is respectfully submitted that the rejection of claims 13-26, 29-34 and 36-39 under §101 has been overcome.

In addition to the §101 rejection, the Examiner rejected claims 27 under 35 USC §102 in view of the Yano et al. patent (US 7,123,599) and rejected claims 13, 29 and 37 under 35 USC §103(a) in view of an Examiner proposed combination of the Yano et al. patent and the Leung patent (US 6,636,498). As will be discussed below, none of the claims are anticipated or rendered obvious by the applied references.

Since all of the rejections were addressed at length during the interview, Applicant's arguments with regard to why the claims are patentable over the applied references are addressed in the interview summary set forth below. To avoid redundancy, Applicant will rely on the interview

summary to present the arguments regarding why the rejections should be withdrawn.

II. Interview Summary

This interview summary is intended as a statement of the substance of the telephone interview which occurred on February 26, 2008.

1) Interview Participants:

Examiners:	Marcus R. Smith
	Chau Nguyen
Applicants Rep.:	Michael P. Straub
Inventor:	Alan O'Neill

2) Exhibits shown: None

3) Claims discussed: 13, 27, 29 and 37

4) Reference discussed: Yano et al. (US 7,123,599)

5) Summary/Discussion of Arguments Made During the Interview:

During the interview Applicant argued that the pending claims are patentable. The arguments made are set forth in detail below.

i) The 35 USC §101 Rejections

In the Office Action the Examiner rejected claims 13-26, 29-34 and 36-39 under 35 USC §101 asserting:

...These claims recite data structures, a packet format. Such data structures do not define any function relationship between the

data structure and other claimed aspects. ...
(Office action Page 2)

During the interview, Applicants argued that the recited packet structure and information, e.g., address, in the packets facilitated ingress filtering at an access router. In response to Applicant's arguments the Examiner suggested amending the claims to refer to the use and indicate that amending claim 13 to include the additional language "said address for use in ingress filtering performed by an ingress filter at said first access router" as done herein would likely be sufficient to overcome the §101 rejection. Applicant agreed to make the discussed amendment to claims 13, 29 and 37. By amending the independent claims Applicant has addressed and overcome the §101 rejection.

ii) The §102 Rejection of claim 27

During the interview it was argued that claim 27 is patentable because it recites:

A communications method for use in a communications system including a mobile node and a first router, the method comprising:

operating said first router to receive a packet including a source address and an option field, said option field including an option type code indicating which nodes receiving said packet should process the contents of said option field in a filtering operation; and

operating said first router to use contents of the option field in a filtering operation regardless of the value of the option type code.

In rejecting claim 27, the Examiner relies on a combination of Figure 5 (citing for example elements 505,

503 and 513 of the packet shown in Figure 5) and stating "(figure 5, describe the packet column 8, lines 33-56)". (See Office Action page 3). The Examiner then goes on to cite Figure 12 apparently assuming that Figure 12 is describing the processing of the packet shown in Figure 5 stating:

operating said first router to use contents of the option field in a filtering operation regardless of the value of the option type code (step 1403; column 14, lines 18-22: the examiner view perform filtering as processing the packet in the router). (Office Action page 3)

As discussed during the interview, **the packet described in Figure 5 is NOT the packet being processed as described in Figure 12 of the Yano patent.**

The packet described in figure 5 (column 8,34-56) is a **binding update message that is transmitted from the mobile terminal to the Home Agent (HA) to register a routing address alongside the care of address of the mobile terminal. It contains a source address, an option field and an option type code. There is no mention of a first router using the contents of the option field in this binding update packet to perform a filtering operation regardless of the value of the option type code.**

Figure 12 which shows step 1403 as well as column 14 lines 18-22 of the Yano et al. patent cited by the Examiner describes processing performed on a data packet and **does not discuss the processing of the binding update packet in figure 5.** The data packet being processed in Figure 12 has a destination address that is associated with the mobile terminal as per figures 9 and 10. Since the packet has a destination address corresponding to the mobile terminal it should be appreciated that the data packet is being

communicated to the mobile terminal, i.e., the packet is going in the opposite direction of the binding update message of Figure 5 which is transmitted from the mobile terminal. Thus it should be appreciated that the packet of Figure 5 is NOT the packet being processed as described in Figure 12. There is nothing in the Yano et al. patent that would suggest that the data packets of the Yano et al. patent include an option field as recited in claim 27. Accordingly, it should be appreciated that the Yano et al. patent fails to disclose or suggest the subject matter recited in claim 27.

For the foregoing reasons argued during the interview, it was submitted that the rejection of claim 27 should be withdrawn.

iii) The §103 Rejections of Claim 13, 29 and 37

As discussed during the interview, the Yano et al. patent was the primary reference used in the §103 rejection and that the secondary reference did not make up for the deficiencies of the primary reference.

In rejecting the claims under 35 USC §103, it was noted that the Examiner relies on Figure 2 and the router advertisement message recited therein.

Applicant noted that from the discussion found in column 6, lines 17-33 of the Yano et al. patent, it was clear that the Routing Advertisement message of Fig. 2 is transmitted from an advertising router 103 to notify a terminal of a routing address change. Thus, the message shown in Figure 2 is transmitted from router 103 to the terminal. This is in the opposite direction of the

transmission recited in claim 29. Accordingly, it should be appreciated that the message shown in figure 2, asserted by the Examiner as corresponding to the Internet protocol packet recited in claims 13 and 29, **is not transmitted to said first access router (router 103 according to the Examiner).**

Accordingly, it was argued that claim 29 was patentable because it recites:

A mobile node including:
a packet generator device for generating a **packet to be communicated from said mobile node to a first access router** used to route messages from said mobile node to a destination node, said first access router having a first address prefix of length L bits, where L is a positive integer greater than 0, said message including:
i) a source address field including a source address corresponding to said mobile node;
ii) a destination address field including a destination address, said destination address corresponding to said destination node to which said packet is being directed; and
iii) **an option field, said option field including an additional address** having a second address prefix that includes the L bit prefix of said first access router as the first L bits of said second address prefix, said address for use in ingress filtering performed by an ingress filter at said first access router; and
a transmitter for **transmitting said generated packet to said first access router.**

Applicant noted that claim 37 included similar features to those of claim 29 and was therefore also patentable over the applied reference.

It was also argued that claim 13 while including slightly different wording recited, among other features "a source node coupled to a first access router". In the rejection of claim 13 the Examiner relies on the message of

Figure 2 which is from the advertising router 103 which the Examiner asserts corresponds to the first access router. Since the source of the message in figure 2 is from the advertising router 103, the source address of the message would be that of the advertising router 103. Since the message of Figure 2 is **from the advertising router 103 it should be appreciated that in the Yano et al. patent** the source node of the message is the advertising router 103 which the Examiner asserts is the "first access router" recited in claim 13. It should be appreciated that since the message of Figure 2 **is not from "a source node coupled to a first access router"** as recited in claim 13. Rather the message of Figure 2 is **from the advertising router 103** which the Examiner asserts corresponds to the first access router. Thus the message cited by the Examiner in no way anticipates or renders obvious the subject matter of claim 13.

Accordingly, it was argued that the Examiner's interpretation of the Yano et al. patent fails to disclose or render obvious the features of any of claims 13, 29 and 37 whether considered alone or in combination with the secondary reference.

6. Outcome of the Interview

The Examiner indicated that it appeared that the discussed amendments would overcome the §101 rejections but that further consideration of Applicant's arguments would be required before the Examiner could make a decision as to whether the rejections based on the Yano et al. patent had been overcome.

III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance. Accordingly, it is requested that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance **the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative.** To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

April 29, 2008



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

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Michael P. Straub
Signature

April 29, 2008

Date